

EXHIBIT 1

INTRODUCTION

Respondent George Bergner is a Director of the Mendocino County Resource Conservation District (the “MCRCD”). Respondent assumed office on April 10, 2001. As a Director of the MCRCD, Respondent is a designated employee of the MCRCD as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”),¹ and in the MCRCD’s conflict of interest code.

As required by the MCRCD’s conflict of interest code, each designated employee of the MCRCD must file a statement of economic interests within 30 days of assuming office. On the statement of economic interests, the designated employee must disclose the reportable economic interests that he or she held during the preceding 12 months.

In this matter, Respondent failed to file an assuming office statement of economic interests by the May 10, 2001 due date.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

As a designated employee of the Mendocino County Resource Conservation District, George Bergner failed to file an assuming office statement of economic interests by May 10, 2001, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statement of economic interests disclosing their reportable investments, business positions, interests in real property, and other sources of income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the individuals who are to be designated in an

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Under Section 87302, subdivision (b), an agency's conflict of interest code must require every new designated employee to file an assuming office statement of economic interests within 30 days of assuming office, disclosing investments, business positions, and interests in real property held on, and sources of income received during the 12 months before, the date of assuming office.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent assumed office as a Director of the MCRCD on April 10, 2001. As a Director of the MCRCD, Respondent is a designated employee of the MCRCD, and was therefore required to file an assuming office statement of economic interests by May 10, 2001.

On May 21, 2001, Melissa Mack, Deputy Clerk-Recorder for the County of Mendocino, sent a letter to Respondent, reminding him that his assuming office statement of economic interests, that was due on May 10, 2001 was not received, and advising Respondent to file his delinquent statement by June 21, 2001, to avoid late penalties. In spite of this reminder, Respondent failed to file his assuming office statement of economic interests as requested. Ms. Mack sent a second letter to Respondent on June 21, 2001, advising him that his assuming office statement of economic interests remained past due, and advising him that his failure to file would be referred to the Fair Political Practices Commission (the "FPPC"), if the delinquent statement was not received by July 20, 2001. When Respondent did not respond to this second letter, Ms. Mack referred the matter of Respondent's failure to file an assuming office statement of economic interests to the FPPC.

On August 7, 2001, and August 9, 2001, Investigator Dan Schek of the Enforcement Division, spoke with Chamise Cubbison, Office Manager for the MCRCD, asking that she have Respondent contact Investigator Schek. Respondent did not respond to the Investigator's inquiries. However, on August 14, 2001, Ms. Mack contacted Investigator Schek, and advised him that she had received Respondent's delinquent assuming office statement of economic interests on August 14, 2001.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent statement of economic interests within 30 days of being contacted by an Enforcement Division Investigator is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case, particularly the fact that Respondent filed his delinquent statement within 30 days of being contacted by the Enforcement Investigator, justifies imposition of the agreed upon penalty of Two Hundred Dollars (\$200).